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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

RESIDENTIAL CAPITAL, LLC
a/k/a RESIDENTIAL CAPITAL CORPORATION
1177 Avenue of the Americas
New York, New York 10036
Debtor

Chapter 11
Case No. 12-12020-mg
Joint Administration Pending

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ON APPEAL FROM THE

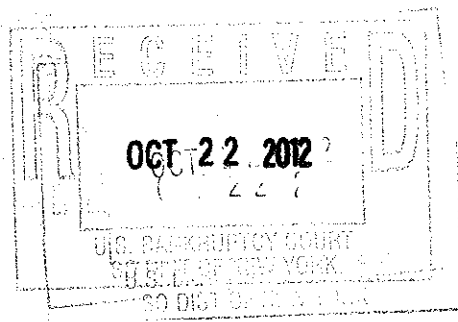
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

RESIDENTIAL CAPITAL, LLC
a/k/a RESIDENTIAL CAPITAL CORPORATION
1177 Avenue of the Americas
New York, New York 10036
Debtor

Case No.

NOTICE OF APPEAL AND REQUEST FOR 8005 STAY PENDING APPEAL

Claimant/Creditor/Appellant, Paul N. Papas II, *pro se*, Notices all Parties that he is taking an Appeal of the denial of his Motion To Convert Debtor ResCap/GMAC to Chapter 7.



Claimant/Creditor/Appellant moves the United States District Court to STAY all proceedings in the above matter pursuant to Rule 8005 during the pendency of the Appeals for the following reasons:

1. The Claimant/Creditor/Appellant was denied his First, Fourth, Fifth, Ninth, and Fourteenth Amendments Rights when the United States Bankruptcy Court for the Southern District of New York (Bankruptcy Court) denied the Claimant/Creditor/Appellant's Motion To Convert the Debtor ResCap/GMAC to Chapter 7 Bankruptcy (**Docketed 1472**), which has a Memorandum in Support (**Docketed 1547**). Not only did the Bankruptcy Court fail to allow the Claimant/Creditor/Appellant sufficient time to complete his Oral Argument by cutting him off, the Bankruptcy Court allowed the Debtor ResCap/GMAC more time to present their opposition, the Bankruptcy Court denied the Claimant/Creditor/Appellant the ability to Object to erroneous and false information presented by Debtor ResCap/GMAC, the Bankruptcy Court denied the Claimant/Creditor/Appellant an opportunity to present a rebuttal argument.

2. The Claimant/Creditor/Appellant was denied his First, Fourth, Fifth, Ninth, and Fourteenth Amendments Rights when the Bankruptcy Court read from the prepared denial of the Claimant/Creditor/Appellant's Motion To Convert the Debtor ResCap/GMAC to Chapter 7 Bankruptcy after stating on the record that Bankruptcy Court had read each filing of the Claimant/Creditor/Appellant which included the long list of Admissions of the Debtor ResCap/GMAC enumerated in the Claimant/Creditor/Appellant's Reply to Debtor ResCap/GMAC's Opposition (**Docketed 1731**).

3. The Claimant/Creditor/Appellant was denied his First, Fourth, Fifth, Ninth, and Fourteenth Amendments Rights when the Bankruptcy Court read from the prepared denial of the Claimant/Creditor/Appellant's Motion To Convert the Debtor ResCap/GMAC to Chapter 7 Bankruptcy and **failed to rule** that the Debtor ResCap/GMAC did NOT commit Bankruptcy Fraud and did NOT violate the Uniform the Fraudulent Transfer Act and did NOT violate 18 USC 1961, *et seq* which the Debtor

ResCap/GMAC admitted to within their Opposition – see Reply at **1731**. The Court did state in its prepared denial of the Claimant/Creditor/Appellant's Motion To Convert the Debtor ResCap/GMAC to Chapter 7 that the Claimant/Creditor/Appellant was prohibited from filing any motion the Bankruptcy matter based upon the same information. Therefore, the Claimant/Creditor requests the United States District Court enter a STAY of all proceedings in the Bankruptcy matter during the pendency of the appeal.

4. Debtor ResCap/GMAC is trying to sell or transfer assets that it does not own. Debtor ResCap/GMAC has admitted it does not own the assets it is trying to sell or transfer.

5. Debtor ResCap/GMAC has failed to list assets in the Schedules they filed under oath.

6. Debtor ResCap/GMAC is attempting to expedite the sale or transfer of assets.

7. Debtor ResCap/GMAC is attempting to expedite the sale or transfer of assets to keep any assets it might have out of the reach of Creditors.

8. There can not be an accurate accounting of the Bankruptcy estate of Debtor ResCap/GMAC at this point because of the fraudulent actions of Debtor ResCap/GMAC.

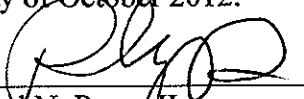
THEREFORE, for the above stated reasons the United States District Court should STAY of all proceedings in the Bankruptcy matter during the pendency of the appeal.

Dated October 17, 2012


Paul N. Papas II

Affidavit in Support

I, Paul N. Papas II, state and depose the above information is true based upon personal observation, knowledge and belief under the pains and penalties of perjury dated this 17th day of October 2012.

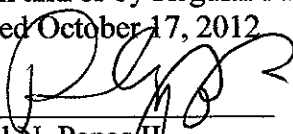


Paul N. Papas II

Certificate Of Service

I have served a copy of this upon; United States Trustee, Tracey Hope Davis, 33 Whitehall Street, 21st Floor, NY, NY 10004; Attorney Larren M. Nashelsky, MORRISON & FOERSTER, LLP, 1290 Avenue of the Americas, NY, NY, 10104 and Attorney Wendy Allison Nova, 210 Second Street NE, Minneapolis, MN 55413. by email and/or by Regular Mail as well as those on the latest notice list.

Dated October 17, 2012



Paul N. Papas II